Surrey County Council Fostering Service

Allegations, Standards of Care and Concerns against Foster Carers/Supported Lodgings Carers/Prospective Adopters and Foster to Adopt Carers

# Issue Date: October 2021

About this document

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| **Title** | **Allegations, Standards of Care and Concerns against Foster Carers/Supported Lodgings Carers/Prospective Adopters and Foster to Adopt Carers** |
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### Scope of this Document

Foster Carers, Supported Lodgings Carers (approved by the Local Authority) and Prospective Adopters who are approved by Surrey County Council who are included in the scope of this document. This includes any prospective adopter approved by the Regional Adoption Agency (Adoption South East), or any other adoption agency and also includes dual approved carers offering fostering for adoption placements.

Carers approved by the council, or by Adoption South East on behalf of the council may live within, or outside Surrey county borders. Where a carer offering care to a Surrey child or young person lives outside Surrey it will be important to liaise with the LADO from the relevant Local Authority who will take the lead for ensuring any investigation is coordinated under Working Together 2018 guidelines..

Foster Carers, Supported Lodgings Carers, Prospective Adopters and Fostering for Adoption Carers will be collectively referenced as “carers” throughout this procedure unless otherwise stated.

This procedure applies where allegations are made, or suspicions are raised that a carer has caused significant harm to a child or are likely to cause harm to a child under the age of 18 years. It should be read in conjunction with Surrey Safeguarding Children Partnership’s [Managing allegations against people that work or volunteer with children procedure](file:///C%3A%5CUsers%5Cfmackird%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CJBAWFUS5%5C3.2%20Managing%20allegations%20against%20people%20that%20work%20or%20volunteer%20with%20children%20%7C%20Surrey%20Safeguarding%20Children%20Partnership%20%28procedures.org.uk%29).

This procedure is written within the context of "[Working Together to Safeguard Children](https://www.workingtogetheronline.co.uk/) 2018", [The National Minimum Standards for Fostering](https://www.minimumstandards.org/contents_fost.html) (Fostering Services Regulations, Care Standards Act 2000), The National Minimum Standards for Adoption 2014 and The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 Regulation 10 Arrangements for the protection of children.

This procedure seeks to differentiate between allegations, standards of care concerns and complaints and to guide staff and carers in the procedures to be followed for investigation and management in each circumstance. Where the procedure refers to a child, this means a child who is being Looked After by the Local Authority and is either fostered, placed for adoption or living in a supported lodgings family.

The procedures for dealing with allegations, concerns or complaints will be applied fairly, transparently, in a timely and evidenced way.

An allegation is defined as an accusation that a carer, or other person within the home has:

* Behaved in a way that has harmed a child, or may have harmed a child;
* Possibly committed a criminal offence against or related to a child;
* Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
* Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Surrey Children's Services may have serious concerns about the quality of care/practice provided by a carer, which may not warrant investigation under safeguarding procedures – for example involving the non-cooperation with contact arrangements with the child's family; this would fall within concerns of standards of care.

A complaint may involve a view about a carer's approach to the care of a child. For example, when a parent complains that a child's culture or religion is being ignored. Complaints may sometimes have elements of allegations and/or standards of care.

Following receipt of a concern, fostering/adoption social workers must consult with their team manager on the same working day to decide a course of action. There may be consultation with the Local Authority Designated Officer (LADO) who will offer advice and guidance regarding application of thresholds.

Allegations would usually be dealt with under the safeguarding procedures and will always be referred to the LADO within 24 hours.

Staff and carers should be aware that any complaint, concern or allegation has the capacity to be re - categorized after the initial referral or part way through the investigation depending on forthcoming information and may therefore need to be dealt with under a different process.

This document complies with the procedures for dealing with allegations against people that work or volunteer with children. It offers additional elements which recognise the nature of fostering (and pre-order adoptive placements) where carers look after children in their own homes, often working alone, and where the consequences of an allegation may affect their home as well as work environment.

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## 1. Introduction

Every child in care has the right to be protected and to feel safe in their foster or prospective adoptive home: their safety is of paramount importance. Carers and members of their families who face allegations must be treated sensitively and fairly within a clear procedure. This document aims to ensure a clear process to take account of the law, national guidance and Surrey’s Safeguarding Children Partnership procedures.

## 2. Allegations

An allegation is an assertion from any person that a carer, or another member of the care household, has or may have behaved in a way that has harmed a child, possibly committed a criminal offence against a child, behaved towards a child in a way that indicates they are unsuitable to work with children or indicates that they may pose a risk of harm to children. This also includes if the carer behaves in a way that raises safeguarding concerns in their personal life, even if it doesn’t involve a child.

Allegations are more serious than general complaints against carers and must be investigated under the local safeguarding procedures. Allegations should be treated differently from concerns about poor standards of care.

An allegation is defined as information being received which suggests some feature of a care arrangement has a potentially adverse effect on the welfare of a child.

For example:

* Disclosures from currently placed or previously placed children of abuse or mistreatment by the carer(s);
* Third party referrals reporting harm whether via anonymous or named sources.

## 3. Procedure Following an Allegation

3.1 Any person, including carers, who receive, or are made aware of information or suspects that a child has suffered or is suffering significant harm in a “care” placement must, within 24 hours:

* Inform the child's social worker and team manager verbally and in writing (or the Emergency Duty Team out of office hours).
* Inform the foster carer’s supervising social worker (or duty worker if they are not available) and fostering team manager, or duty manager if they are not available verbally and in writing.
* For prospective adopters who are providing fostering for adoption, the same notification process should apply with respect to their approving fostering agency and the Regional Adoption Agency.
* The supervising social worker and a fostering team manager or the approving adoption agency supervising social worker must inform the Local Authority Designated Officer (LADO), fostering or adoption service manager and verbally and in writing. As part of the LADO process, the LADO will inform the police where it is believed that there is a possible criminal offence against a child.
* Inform the child’s social worker and team manager verbally and in writing of any other child placed at the same address.

## 3.2 Strategy Meeting

3.2a When a safeguarding concern arises which indicates that a child may have suffered or is at risk of significant harm, a multi-agency strategy discussion will be convened in respect of the child(ren). Dependent on the urgency of the safeguarding concern the meeting may take place on the same day or within 72 hours of the concern having arisen. The strategy meeting is chaired by Surrey Children’s Services if the child is living in Surrey at the time of the allegation or concern. Alternatively, if the allegation or concern arose in a different local authority, responsibility for convening and chairing a strategy meeting should be discussed with that authority.

The strategy meeting will consider whether the threshold is met for an investigation under Section 47 of the Children Act 1989, namely that there is reason to believe a child is suffering/has suffered significant harm or is at risk of significant harm. The meeting will consider whether the information presented meets this threshold and the actions required to safeguard the child(ren), by whom and within what timescale. The strategy meeting could be convened prior to contact with the LADO or as a result of further information arising from LADO enquiries.

3.2b The carer(s) are not invited to the strategy meeting and are not informed, at this stage, that an allegation has been made. (This is because it may lead to the investigation of a criminal offence).

3.2c The following people will be invited:

* The manager of the team who would undertake the Section 47 Enquiry, if required.
* The child's social worker and their manager.
* The carer’s supervising social worker, and their manager.
* The police.
* Social workers of other children placed, if appropriate.
* Any other agency involved with the child or foster family, such as designated nurse for children in care.
* Where an allegation has been made, the LADO should always be invited.

## 3.3 Allegations against Staff and Volunteers (ASV) Meeting

3.3a In addition to any possible strategy meeting, the LADO will consider if convening an Allegations against Staff and Volunteers (ASV) meeting is required, if there is enough information to suggest a child(ren) may have been harmed, or a criminal offence may have been committed. The purpose of this is to scope, gather, share information and plan and direct the investigation.

3.3b If convened, the ASV meeting will consider:

* Consider whether any parallel carer review of approval process can take place and agree protocols for sharing information; (There are situations where the outcome of the allegation is already known by the time the initial ASV is conveyed and on such occasions, the outcome should be recorded at the ASV even if the fostering/adoption services requires a review of approval or standards of care investigation in relation to the carer.
* Consider the current allegation in the context of any previous allegations or safeguarding concerns;
* Where appropriate, take account of any entitlement by carers to use reasonable measures to discipline or manage children’s behaviour
* Consider whether a complex [abuse](https://surreyscb.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) investigation is applicable (see Organized and Complex [Abuse](https://surreyscb.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) Procedure);
* Plan enquiries if needed, allocate tasks and set timescales;
* Decide what information can be shared, with whom and when.
* Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including children in the immediate family/household of the carer. If there are concerns about the carer  *as a parent*then these need to be shared with Children’s Social Care;
* Consider what support should be provided to the carer and others who may be affected and how they will be kept up to date with the progress of the investigation.
* Ensure that investigations are sufficiently independent;
* Make recommendations where appropriate regarding moving looked after children from the household, or ceasing to place children whilst investigations are conducted
* Identify a lead contact manager within each agency;
* Agree protocols for reviewing investigations and monitoring progress by the [LADO](https://surreyscb.procedures.org.uk/page/glossary?term=LADO&g=4kjN#gl32), having regard to the target timescales;
* Consider issues for the attention of senior management (e.g. media interest, resource implications);
* Consider reports for consideration of barring;
* Consider risk assessments to inform the fostering/adoption services safeguarding arrangements;
* Agree dates for future meetings / discussions.
* A final meeting / discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

3.3c The minutes of the meeting must contain clear action points and clear timescales for each action. The action points and timescales will be circulated immediately after the meeting. Actions agreed must be recorded and be the responsibility of named individuals.

3.3d Copies of the action points will be sent by the LADO to all parties within 24 hours and held on carers’ records. We aim to send minutes within 5 working days and these should be also held on carers’ records.

 3.4 Investigation and Action

3.4a The actions agreed at the meetings should be implemented by those responsible within the agreed timescales. In accordance with Keeping Children Safe in Education (KCSIE) guidelines which the LADO process follows, 80% of cases opened should be closed within 4 weeks of being referred to avoid drift and delay.

3.4b In most circumstances concerns, complaints and standards of care will be investigated, and a conclusion aimed to be reached within 28 days from the referral which is in line with KCSIE guideline. It is important to note that noncomplex cases where it is clear immediately that the allegation is unsubstantiated or malicious, should be closed within one week.

3.4c Allegations may take longer to reach a conclusion depending on the complexity of the case and whether there is a criminal investigation alongside the allegation. Where this is the case, the police will regularly update the LADO on their timescales, and this will be shared with the carer by their supervising social worker.

3.4d If an Initial Child Protection Conference (ICPC) is convened, the conference chair must be consulted in advance to discuss whether the carer(s) should be invited to attend. The carer’s views must be obtained and communicated to the conference.

3.4e Once any criminal investigation is concluded by the police, the social worker undertaking the internal investigation can initiate the internal investigation process. The worker will meet with the carers and any other relevant party to explore the allegation and will prepare a report on the investigation. This report will include the carer’s responses to the allegation. The worker may be the carer’s allocated supervising social worker, or another worker. A copy of the report will be provided to the carers and their representatives and the carers will be invited to make a written response.

## 3.5 Support to Carers during an Investigation

3.5a It is recognised that any allegation of abuse against a carer is distressing. Carers are entitled to receive support and communication. In the case of fostering for adoption carers, the source of independent support in these circumstances should be clarified with their approving fostering service at the point of their being given temporary fostering approval under regulation 22 or regulation 24. Prospective adopters should also be offered access to independent support via their approving adoption agency.

3.5b Surrey Fostering Service currently use The Fostering Network to provide its carers with independent support and any carer subject of an allegation will be given the relevant contact details and additional funding for support from The Fostering Network at their request. Independent support for carers approved by other agencies will discussed with the approving agencies, who may commission their own independent support provision.

3.5c The carers will be given the opportunity to respond to the allegations both verbally and in writing. Any responses will be recorded within the allegation documentation.

3.5d The allocated supervising social worker will continue to work with the carers through the investigation to:

* Provide as much information as possible about the progress of the investigation recognising that if the matter is under police investigation it may limit the information to be shared.
* As far as possible, dependent on whether there is a potential or ongoing police investigation, ensure that carers are clear about the nature of the allegation and record this in their case records or supervision notes. In the case of foster carers a copy must be provided to the carer within 3 working days.
* Maintain monthly supervision visits, more if appropriate, as well as telephone contact.

3.5e They should confirm that the carers are aware of the following:

* The contents of this procedure.
* The address and contact telephone number of the independent advocacy available to provide the carer support.

3.5f Financial support may be available to the carer as detailed within the [‘Payment of Fees During an Investigation’](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse5_1) documentation.

### 3.6 Concluding the Investigation

3.6a The investigating social worker will conclude the investigation in negotiation with all professionals involved and make a recommendation of the outcome within the summary of allegation documentation. The following definitions should be used when determining the outcome of allegation investigations:

* Substantiated: there is sufficient identifiable evidence to prove the allegation.
* False: there is sufficient evidence to disprove the allegation.
* Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
* Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term therefore does not imply guilt or innocence.
* Unfounded: to reflect cases where there is no evidence or proper basis to support the allegation made.

3.6b Any differences of opinion will be recorded within the summary of allegation documentation.

3.6c The LADO will either agree with the recommended outcome or request additional work and actions. The LADO will consider responsibilities for any further action and may advise to:

* Report to the Fostering Panel/Supported Lodgings Service Manager/Adoption Agency Decision Maker for the approving agency.
* Refer to the Disclosure and Barring Service for inclusion of the carer on the Children's Barred List. This should be considered, even where a carer resigns or is deregistered.
* Inform OFSTED.
* Determine who will notify the carer, the child, the parents, other professionals of the outcome and actions.

3.6d Should new information come to light, further actions may be required and further meetings convened.

3.6e If the information is being referred to the fostering panel, an annual review should be completed and presented to fostering panel within 3 months of the outcome of the allegation. Where necessary consideration should be given to whether there needs to be an additional panel to consider the case. The review report should include information from the child's social worker, the IRO, the child, the summary of outcome of the allegation and any standards of care investigations completed since the last panel hearing.

3.6f Prior to fostering panel, the carers and their representative should have seen, and had time to comment and respond to all documents being presented to the panel.

3.6g All relevant documents must be retained on the child's and the carer's records as appropriate.

3.6h If the panel recommends that fostering approval is to be terminated and this recommendation is upheld by the Agency Decision Maker (ADM), the carer may wish to make representations to the agency or go through the Independent Review Mechanism (IRM) which they must contact within 28 days of the qualifying determination letter.

3.6i Following the representations to the agency or the IRM the ADM will make a final decision within 7 working days of the receipt of the recommendations. This decision will be sent in a letter to the carer(s) and the fostering or adoption social worker will be expected to talk to the carer(s) about this.

### 3.6j An evaluation meeting at the end of the process should be offered to all carers and prospective adopters, irrespective of whether the allegations have been substantiated or not as this gives the opportunity to reflect on the process and how we can improve it going forward. This meeting should be offered within 1 month of the end of the process.

### 4. Standards of Care Investigation

4.1 If a concern has been raised which does not meet the threshold for an investigation under the LADO service, a standards of care investigation may be held.

4.2 The approving agency should work with the carer in an open and transparent way and the carer should be notified in writing at the earliest opportunity of the following:

* The nature of the concern and its source.
* How and by whom the investigation is to be conducted.
* Whether any action is necessary to protect the children including the removal of all or any of the children while the investigation is conducted.
* Who will communicate with and support the carer throughout the process of the investigation.
* Whether the agency has decided not to make further placements, without prejudice, for the duration of the investigation.

4.3 The carer’s worker may complete the investigation, or another worker may be allocated to complete this piece of work in order to provide autonomy. The carer’s allocated worker will continue to support the carer by carrying out monthly supervisory visits and telephone contact.

4.4 The fostering service will aim to conclude a standards of care investigation within 28 days.

4.5 The standards of care investigation will consider the following:

* Background information relating to the fostering family, including compliments and concerns.
* Fostering services national minimum standards that are being explored and measured.
* Carer’s abilities to meet the expected standards.
* Strengths and vulnerabilities of the carer.
* The child’s wishes and feelings
* Learning and development opportunities provided to the carer
* Support and supervision provided by the service to the carer
* Lessons that can be learnt by the carer and fostering service.

4.5 During a standards of care investigation, the carer is entitled to access the same level of support as detailed in point 3.5 of this procedure.

4.6 The investigating social worker may make a number of recommendations to conclude this piece of work. Recommendations may include but will not be limited to:

* Additional training to be undertaken
* Increased supervision
* Changes to approval
* Termination of approval
* Updated annual review to be held
* Return to fostering panel

4.7 The supervising social worker’s team manager will have overall sign off at the conclusion of the report. The fostering or adoption service manager will have oversight.

4.8 The carer and their representative, if they chose to request one, should have seen and had time to comment on and respond to all documents at the conclusion of the investigation. This will also apply if a review of approval is held and prior to being presented to the fostering panel if the matter is taken to panel for further consideration.

4.9 All relevant documents must be retained on the carer's records.

## 5. Complaints

5.1 The supervising social worker and their manager must consider the course of action following a complaint about a carer’s practice being received.

5.2 Action taken could be:

* Supervisory visit to address the issues and report back to the complainant;
* Joint visit of supervising social worker and child's social worker to address the issues and report back to complainant;
* Internal investigation by the fostering service in the form of a standards of care investigation, see section 4;
* Joint visit of supervising social worker and their team manager;
* Complete annual review and present to panel if necessary.

**N.B.** This list is not exhaustive and other actions may be considered.

5.3 All information relating to complaints and the outcome reached will be retained on the carer’s files.